

or

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/718,427	LACROIX ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Marc S. Zimmer	1712	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1. ☒ This communication is responsive to 04/05/06.
- 2. ☒ The allowed claim(s) is/are 2-5, 7, 8 and 15.
- 3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    - 1. ☒ Certified copies of the priority documents have been received.
    - 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

- 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  - 5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- 1. ☒ Notice of References Cited (PTO-892)
- 2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
- 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 5. ☐ Notice of Informal Patent Application (PTO-152)
- 6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
- 7. ☐ Examiner's Amendment/Comment
- 8. ☒ Examiner's Statement of Reasons for Allowance
- 9. ☐ Other \_\_\_\_\_.

  
**MARC S. ZIMMER**  
**PRIMARY EXAMINER**

***Allowable Subject Matter***

As of the correspondence dated Jan 05, 2006, claims 2, 3, 5, 7, 8, and 15 were rejected as being directed to subject matter similar to that recited in claims 1-7 of U.S. Patent # 6,809,151. Applicant has filed a terminal disclaimer thereby obviating that rejection.

In an updated/modified survey of the prior art, the Examiner discovered two patents that disclosed inventions bearing some resemblance to that presently claimed.  
*Laughner, U.S. # 5,369,154*

This reference discloses a composition comprising, among other things, 5-95 wt. % of an aromatic polyester, 1 to 20 wt.% of an epoxide group-functionalized modifier, and up to 25 wt.% of a core-shell graft copolymer. Both the epoxy-functional modifier (column 9, lines 14-18), and the core-shell polymer (column 15, lines 7-21 and column 16, lines 43-46) are similar to those contemplated in Applicant's claims. These similarities notwithstanding, this disclosure does not even render obvious the claimed invention insofar as there is certainly no indication that the proportions of said modifier and core-shell polymer should be varied depending upon the overall weight contribution of the polyester. Also, of the particular examples where both the modifier and core-shell polymer are employed (the core-shell copolymer is actually only an optional ingredient), in only one does the amount of the core shell polymer exceed that of the epoxide-functional polymer. In that particular instance, the weight contribution of the host polyester is far short of 60 wt.% as a polycarbonate makes up the largest weight fraction of the composition in all cases.

*Zerefati et al., U.S. patent # 7,015,261*

This document discloses a impact modifier composition for polymers such as PBT comprising a core-shell copolymer and a linear vinylic polymer comprising units bearing expoide moieties. However, the chemical makeup of the core portion of the core-shell polymer is not the same as that contemplated by the claims nor is it obvious why one of ordinary skill would have been motivated to modify the core-shell polymer taught by that disclosure in the manner necessary to arrive at the core-shell polymer of the instant invention.

The references cited in this prosecution are regarded as the most germane known. Insofar as they fail to even render obvious Applicant's invention, claims 2-5, 7-8, and 15 are allowable. (Claim 4 is hereby rejoined because it is dependent on an allowable claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc S. Zimmer whose telephone number is 571-272-1096. The examiner can normally be reached on Monday-Friday 8:00-4:30.

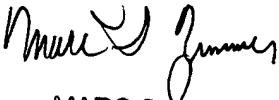
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 20, 2006

  
MARC S. ZIMMER  
PRIMARY EXAMINER